

Appl. No. : 09/763,535  
Filed : July 2, 2001

polynucleotide, OC-2 having the amino acid sequence of SEQ ID NO:2, and a cell line transformed with said vector.

4. **(AMENDED TWICE)** A pharmaceutical composition comprising an element selected from the group consisting of: a polynucleotide encoding OC-3, a vector comprising said polynucleotide, OC-3 having the amino acid sequence of SEQ ID NO: 3, and a cell line transformed with said vector.

7. **(AMENDED TWICE)** A method for the prevention and/or for the treatment of type 1 or type 2 diabetes or of disorders linked to diabetes, for the prevention and/or for the treatment of cancer and for the prevention and for the treatment of Waardenburg syndrome, comprising:

administration of a pharmaceutical composition in an amount effective to prevent or reduce the symptoms of diabetes, cancer, and/or Waardenburg syndrome, wherein said pharmaceutical composition comprises an element selected from the group consisting of: a polynucleotide encoding a protein of the ONECUT family, a vector comprising said polynucleotide, the polypeptide encoded by said polynucleotide, and a cell line transformed with said vector.

#### REMARKS

Claims 1, 4, and 7 have been amended, and Claims 2 and 3 have been cancelled. An abstract of the disclosure has been provided on a separate sheet of paper, as required by the Examiner. Changes made to the claims can be seen on a separate page entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE following the signature page. Deletions are in **[bold and brackets]**, and insertions are underlined.

#### Claim Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-9 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. The Examiner asserts that the specification is enabling for a polynucleotide encoding HNF-6 or OC-2 or OC-3, but that no pharmaceutical property is shown and/or enabled. The Examiner further asserts that Claims 7-9 drawn to a method of using the polynucleotide of Claim 1 is not disclosed in the specification.